

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

In re Ex Parte Application of Tracey Amon for an Order Pursuant to 28 U.S.C. § 1782 to Obtain Discovery for Use in Foreign Proceedings.

**USDC SDNY
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22-CV-10251 (RA) (RWL)

ORDER

Whereas on December 2, 2022, Tracey Amon (“Petitioner”) filed an ex parte application for an order pursuant to 28 U.S.C. § 1782 to conduct discovery for use in foreign proceedings; and

Whereas on December 8, 2022, the matter was referred to me as a non-dispositive motion (Dkt. 5); and

Whereas the Court has considered the application, the accompanying memorandum of law, the Declarations of Fanette Sardet and Tracey Amon, and supporting documents (see Dkts. 1, 3, 4, 7 at ¶ 1); and

Whereas the Court finds that (1) the person from whom discovery is sought, Christie's, resides or is found in this District, in New York, New York; (2) the discovery is for use in multiple foreign proceedings before a foreign tribunal pending in Switzerland; and (3) the application for discovery is made by an interested person, i.e, Tracey Amon, see *Federal Republic of Nigeria v. VR Advisory Services, Ltd.*, 27 F.4th 136, 148 (2d Cir. 2022) (identifying threshold requirements for issuance of § 1782 subpoena); and

Whereas the Court further finds that the balance of the factors set forth in *Intel Corp. v. Advanced Micro Devices, Inc.*, 542 U.S. 241, 264-65, 124 S.Ct. 2466, 2483 (2004) weigh in favor of permitting the discovery requested pursuant to 28 U.S.C. § 1782;

It is hereby ORDERED that:

1. The ex parte application for discovery from Christie's pursuant to 28 U.S.C. § 1782 is granted;

2. Petitioner is authorized to take discovery relating to the issues identified in their application from Christie's in accordance with the Federal Rules of Civil Procedure and the Rules of this Court, including by serving on Christie's a subpoena duces tecum for production of documents as set forth in the form of the subpoena and attachment appearing as Exhibits 3 and 4 to the application at Dkt. 1;

3. Kevin Murphy, and any other attorney affiliated with Wuersh & Gering LLP and admitted to practice in the Southern District of New York, is hereby appointed to issue, sign, and serve the subpoena upon Christie's; and

4. This Court shall retain such jurisdiction as is necessary to effectuate the terms of the subpoena.

SO ORDERED:



ROBERT W. LEHRBURGER
UNITED STATES MAGISTRATE JUDGE

Dated: December 13, 2022
New York, New York